

direct the investment of the proceeds of sale or the limitations of the reversion and rent, as the case may be, so as to enure in like manner as by the original grant to the use of the same parties who would be entitled to the land sold or leased, and all such decrees, if all the persons are parties who would be entitled if the contingency had happened at the date of the decree, shall bind all persons whether in being or not, who claim or may claim any interest in said land under any of the parties to said decree, or under any person from whom any of the parties to such decree claim, or from or under or by the original deed or will by which such particular, limited or conditional estates, with remainders or executory devises, were created.

Primary purpose of this section. This section extends the doctrine of representation to the cases therein mentioned by providing that the parties in being shall represent unborn parties. The constitutionality of this section has never been called in question, and it confers upon equity jurisdiction which it did not theretofore have. *Kingan Packing Assn. v. Lloyd*, 110 Md. 623.

Under this section a farm devised to the wife and children of L., upon which a charge is made for the support of L. and his family, during life, may be sold. Disposition of proceeds. Object of this section. The fact that the will shows an intention that the life tenant shall hold a farm for the benefit of himself and family, does not defeat the application of this section. *Downes v. Long*, 79 Md. 384.

All parties in interest and in being who would be entitled, if the contingency had happened at the date of the decree, must be parties, and a sale must appear (either by proof or admissions of parties competent to bind themselves), to be advantageous, otherwise the court has no jurisdiction. These conditions must be complied with at the date of the decree. *Ball v. Safe Deposit Co.*, 92 Md. 506; *Snook v. Munday*, 90 Md. 702; *Devecmon v. Shaw*, 70 Md. 228. And see *Scarlett v. Robinson*, 112 Md. 206.

A bill under this section on behalf of an infant should be filed in the infant's name, but its being filed in the name of the guardian is an irregularity which, as long as it stands unreserved, does not affect the binding nature of the decree. Where a purchaser appeals from an order ratifying the sale, the decree directing the sale is not open for review. Where the court has jurisdiction the question of the proof that the sale was advantageous, will not be inquired into upon the purchaser's appeal. *Newbold v. Schlens*, 66 Md. 587.

If the court has jurisdiction, mere irregularities in the proceedings or proof, will not sustain exceptions to the sale by the purchaser. *Benson v. Yellott*, 76 Md. 168; *Rieman v. Von Kapff*, 76 Md. 421; *Newbold v. Schlens*, 66 Md. 587.

This section held to afford the only means for a sale of ground-rents devised for life, with remainders over. *Murphy v. Coale*, 107 Md. 209.

The court has a right to decree a sale at the instance of a life tenant; jurisdiction under this section upheld. *Krone v. Linville*, 31 Md. 144.

In a proper case, equity will decree a sale under this section for the purpose of using the proceeds to compromise litigation. *Caldwell v. Brown*, 66 Md. 296.

For cases holding that the plaintiff had no such interest in the property as enabled him to ask for a sale under this section, see *Bannon v. Comegys*, 69 Md. 418; *Newbold v. Schlens*, 66 Md. 589.

Unborn children and grandchildren held to be bound, along with parties in being, under the act of 1862, ch. 156. *Dunnington v. Evans*, 79 Md. 91. And see *Benson v. Yellott*, 76 Md. 169.

For cases involving the law on the subject of this section prior to its adoption, see *Long v. Long*, 62 Md. 33; *Downin v. Sprecher*, 35 Md. 479; *Ball v. Safe Deposit Co.*, 92 Md. 506. Cf. *Seeger v. Hunting*, 78 Md. 54.

Cited but not construed in *Carlin v. Harris*, 100 Md. 56; *Hyatt v. Vanneck*, 82 Md. 474; *Roche v. Waters*, 72 Md. 272; *Long v. Long*, 62 Md. 67 (see also dissenting opinion, page 85); *Druid, etc., Co. v. Oettinger*, 53 Md. 63; *Shreve v. Shreve*, 43 Md. 403; *Goldshorough v. Martin*, 41 Md. 505.